

HAMILTON COUNTY BOARD OF COMMISSIONERS
SEPTEMBER 24, 2007

The Hamilton County Board of Commissioners met on Monday, September 24, 2007 in the Commissioners Courtroom in the Hamilton County Government Center, One Hamilton County Square, Noblesville, Indiana. The Commissioners met in Executive Session in Conference Room 1A at 12:15 p.m. President Dillinger called the public session to order at 1:06 p.m. and declared a quorum present of Commissioner Christine Altman, Commissioner Steven C. Dillinger and Commissioner Steven A. Holt. The Pledge of Allegiance was recited.

Approval of Minutes

Holt motioned to approve the minutes of September 10, 2007. Altman seconded. Holt and Altman approved. Dillinger abstained.

Executive Session Memoranda

Holt motioned to approve the Executive Session Memoranda of September 24, 2007. Altman seconded. Motion carried unanimously.

Plat Approval

Thompson Estates

Replat of Lots 5 & 6 in the Plat of Chateaux DeMoulin

Mr. Dave Lucas recommended approval of the plats for Thompson Estates and Replat of Lots 5 & 6 in the Plat of Chateaux DeMoulin. Altman motioned to approve. Holt seconded. Motion carried unanimously.

Highway Business [1:09:14]

Acceptance of Bonds/Letters of Credit – Highway Department

Mr. Jim Neal requested acceptance of Bonds and Letters of Credit for the highway department. 1) HCHD #B-92-0052 – Fidelity and Deposit Company Continuation Certificate for Annual Permit Bond No. 30359069 issued on behalf of The Snider Group to now expire September 17, 2008. 2) HCHD #B-07-0033 – Liberty Mutual Insurance Company Performance and Payment Bond No. 54-021-710 issued on behalf of Duncan Robertson in the sum of \$370,336.00 for Bridge #171 on Prairie Baptist Road over Sand Creek to expire August 30, 2009. 3) HCHD #B-07-0034 – Fidelity and Deposit Company Permit Bond No. 08821644 issued on behalf of KRG Cool Creek Outlots, LLC in the sum of \$5,000 for a utility tap in right of way, Cool Creek Commons Outlot #2 to expire August 21, 2008. 4) HCHD #B-07-0036 – Travelers Casualty and Surety Company Performance/Payment Bond on behalf of Grady Brothers, Inc. in the sum of \$573,200.00 for Resurface Contract 07-3 to expire September 13, 2009. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Agreements/Supplements

146th Street West Expansion Engineering Agreement

Neal requested approval of Engineering Agreement, HCHD #E-07-0008, with United Consulting Engineers & Architects for 146th West Expansion from Springmill Road to Boone County Line. United is the overall manager of this project. Altman motioned to approve. Holt seconded. Altman stated the right of way was marked out, that was never intended to be in this contract? Neal stated we are not sure if it will be in this agreement or as the phases develop. Altman stated she thought it was awarded to Structurepoint. Mr. Brad Davis stated the surveying portion went to American Structurepoint; right of way engineering was intended to possibly be part of United's contract or as part of the separate contracts with the individual sub-consultants. Motion carried unanimously.

Offical Actions

146th Street and Cumberland Road

Neal requested approval of the official action to repeal the 4-Way Stop at 146th Street and Cumberland Road and to install a traffic signal. Altman motioned to approve. Holt seconded. Motion carried unanimously.

146th Street Campus Parkway and Various Intersections

Neal requested approval of the official actions to install regulatory signs on 146th Street Campus Parkway and various intersections. Locations are: 146th Street & Howe Road with No preferential street; 146th Street & Marilyn Road with No preferential street; 146th Street & Promise Road with No preferential street; Campus Parkway & Boden Road with No preferential street; Campus Parkway & Corporate Parkway with No preferential street; Campus Parkway & Town Center Boulevard with No preferential street, and Campus Parkway & Bergen Boulevard/Harrell Parkway with No preferential street. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Olio Road Work Zone Speed Limit Signs

Neal requested approval of the official action to install work zone speed limit signs of 25 mph on Olio Road from 3,020' south of 113th Street to 113th Street in Fall Creek Township for the Bridge #191 project. Altman motioned to approve. Holt seconded. Motion carried unanimously.

Bridge #191 – Proposed Road Closure

Neal requested permission to close Olio Road between 104th Street and 113th Street for one day between the hours of 9:00 a.m. and 2:30 p.m. The work would take place the week of October 8. Holt motioned to approve. Altman seconded. Holt asked that the electronic sign be put out. Altman asked that a sign notifying the public that the road will be closed on or about October 8 be put out until we know the exact date of closure. Motion carried unanimously.

Devaney Road Paving Projects

Dillinger complimented the highway department on the quality of the paving projects on Devaney Road and other northern county roads.

Highway Equipment Auction

Mr. Brad Davis requested approval to dispose of surplus highway equipment at auction. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Highway Meeting

Davis reminded the Commissioners of the meeting on September 28 at 7:30 a.m. at the highway department.

Traffic Signal at Lowes on 146th Street

Mr. Fred Swift stated he has received a request to look at the stop light by the Lowe's store on 146th Street. The light is on the new ramp off of US 31 to 146th Street. The traffic signal stays red for an inordinate period of time and then when it is red for Lowe's it does not turn green right away for the northbound ramp traffic. Swift asked the highway department to investigate the situation.

Road Cut on 146th Street

Swift stated there is a new road cut on 146th Street just west of the new apartments. Howard stated that is a back way in to the new Brenwick Development.

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Bid Opening [1:22:32]

Sheriff Vehicles

Howard opened the bids for vehicles for the Hamilton County Sheriff. HC Bid Form, Bid Bond and Non-collusion Affidavit were included in the bids unless otherwise specified. 1) Don Hinds Ford - \$23,252 each. 2) Erik's Chevrolet (Kokomo) – Impala - \$22,045 each; Tahoe - \$30,590 each. 3) Dellen Automotive (Greenfield) – Impala - \$20,572 each; Tahoe - \$27,374 each; Charger - \$22,164 each; Magnum - \$24,198 each. Howard recommended the bids be referred to the Sheriff's Department for review and recommendation later today. Altman motioned to approve. Holt seconded. Motion carried unanimously.

Deferred Compensation Fund

Mr. Charlie Freund, Retirement Counseling Services, requested approval to add two funds to the Hamilton County Deferred Compensation Plan; Fidelity Advisor Freedom 2050 and American Funds EuroPacific Growth. Freund stated he has also negotiated a deduction in the AUL contract of .25% (from 1.25% to 1%). Dillinger stated due to a deadline he had to sign the documents and he requested ratification of his signature. Holt motioned to ratify Commissioner's Dillinger signature and to accept AUL's offer to reduce their charges and to accept Retirement Counseling Services recommendation to add the funds as attached. Altman seconded. Motion carried unanimously.

Extension of Vacation Time – Tricia Akers

Ms. Tricia Akers, Probation Department employee, requested an extension of her vacation time. She and her husband are in the process of adopting a daughter from China and the wait has lengthened beyond their initial timeframe. Effective December 2, 2007 she will lose 112.50 vacation hours. Altman asked if it is ok with Madonna (Wagoner)? Akers stated yes. Altman motioned to approve. Holt seconded. Holt asked Akers how long do you want the extension to run through? Akers stated she will be traveling in December or January but she has no way of knowing the exact date. Dillinger suggested extending it through the first quarter of 2008. Akers stated that would be wonderful. Dillinger stated if that is not enough you can come back. Motion carried unanimously.

Commissioner Committee Reports [1:31:50]

Transportation

Altman stated she attended the Indiana Transportation Association Meeting and rode the South Shore transit line. It is a regular commuter system but electrified. Altman stated you can also drive to South Bend, park at the South Bend airport and ride the South Shore into Chicago. Altman recommended taking the South Shore if anyone has an opportunity. Holt asked if there is State funding in that or is it all regional support? Altman stated they are in the federal process, they get a lot of equipment on the 50/50 equipment grants. They have had a lot of support through the Regional Development group (RDA) that handles northwest Indiana. Otherwise it is mostly local through property tax and traditional funding sources of the fare box. The fare box is returning 50% - 55% of their operation costs. Roundtrip cost is less than \$10.00 and is a driver for that area. Holt asked if they discussed encouraging INDOT to think that mass transit would be something the State should look favorably on? Altman stated INDOT was at the ITA meeting and talked about Terri Austin's bill and talked about the studies they are doing and she felt more comfortable after the discussion that they are looking at it with an open eye on the economic impact. We continue to encourage INDOT to look at it. It will have to be driven from the Governor's office and right now it is not transit orientated. Holt asked if there was any reaction to the former Governor of Maryland's comments on pro-active States being in the front of the parade instead of the back of the parade? Altman stated she has not heard of anything, it will take a lot of work from people like us and the economic impact studies will be very telling. We will make the business case to get the Governor's attention.

COIT Meeting

Altman asked what happened with the AIC meeting with Senator Kenley's assistant? Mills stated Dawn Coverdale and Kim Rauch attended that meeting with Mr. Howard. Rauch stated the Indiana Department of Revenue admitted the system is broken, but they are in the same financial bind as other governmental entities. Altman stated we had talked about an offer that they have a source that they can take off the top to fix their problem, have cooperation from the COIT counties to use collection monies to strengthen the system and get it right. Rauch stated Howard presented an outline of recommended fixes; a representative from the Governor's office, the Commissioner of the Indiana Department of Revenue and Senator Kenley's assistant took the recommendations under advisement. Other county auditor's were also in attendance and they finally understood what the problem is. Howard stated he does not know if there is a plan to introduce any legislation, they did talk about a hearing in front of Senator Kenley's committee.

Animal Control Ordinance

Altman asked Howard to work on the Animal Control Ordinance and the recommendations from the Animal Control Officer.

Electronic Data Ordinance Enforcement

Altman stated Howard has been contacted about enforcement of the county's electronic data ordinance, where we have specific knowledge of people re-selling the data that we need to take action against. Altman asked Howard to let the Recorder's office know if they need to go to the Prosecutor or figure out how we are going to enforce it. Howard stated that is a Public Access Counselor question. Altman stated we need to pursue it or change the ordinance if we can't enforce it.

Community Corrections Phase II [1:40:48]

Mr. John Barbee, Envoy, Inc., stated the estimate on Phase III of the Community Corrections project is estimated to be \$215,000 less than where we were in June. RQAW and Structurepoint have been making the recommended changes directed by the Commissioners and the project is ready to go to bid. Barbee requested approval to bid the project October 1. Holt motioned to approve. Altman seconded. Altman asked when would bids be opened? Barbee stated the pre-cast panels bid would be opened October 16; the balance of the project bids will be opened November 13. Motion carried unanimously.

Barbee stated in the current construction they are in need of contracting for environmental studies in relation to the gas tank removal. Barbee requested approval to enter into a contract with American Environmental not to exceed \$10,000 on a T&M basis. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Downtown Study

Barbee stated Larry Dawson and Adam Brower will be at the October 8 meeting to present information on the current downtown study.

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Medicare Administrative Services Agreement

Ms. Sheena Randall requested approval of a Letter of Engagement with Alliance Benefit Group of Indiana to provide Medicare Part D administrative services for Hamilton County. Altman asked what the hourly rates are? Randall stated the \$3,700 is for up to six hours, any time over that we would be charged. Randall stated she handles all of the maintenance and the time they spend is reduced. Altman recommended the rate schedule be attached. Holt motioned to approve. Altman seconded with the understanding that the rates will be attached to the document. Motion carried unanimously.

Precinct Approval and Polling Place Changes

Ms. Kathy Richardson requested approval of the 2008 Precinct changes. Eight precincts have been added and she is combining one precinct. As she adds new precincts she will try to find places where she can combine precincts. There are times where House and Senate lines prohibit her from combining precincts. Altman stated there is talk in Marion County about the advisability of trying to combine or increase precinct size to reduce election costs, would that be beneficial here? Richardson stated she makes sure a precinct goes well over the 1200 before it is split or makes a new precinct. She looks at the areas around the new precinct to try to attach it so that she is not creating a new precinct. We have 20 some precincts over 1200. There were two pilot counties this year working on the vote center concept, which would be ten locations in Hamilton County and you could vote at any of these locations. It would require some changes to the system we have. It worked very well in Richmond and Tippecanoe. Altman stated it would take a legislative change to go above the 1200? Richardson stated yes. Altman motioned to approve. Holt seconded. Motion carried unanimously.

Richardson requested approval of November 6, 2007 polling places. Holt motioned to approve. Altman seconded. Motion carried unanimously.

CDBG Grant Public Service Contract

Altman motioned to approve the Public Service Contract for Bethel Lutheran Church Baby Pantry from the Community Development Block Grant (CDBG). Holt seconded. Motion carried unanimously.

Dillinger called a recess in the meeting. [1:54:17]

Dillinger called the meeting back to order. [2:15:33]

Petition to Incorporate East Geist and West Geist

Dillinger stated this is not a public hearing, if this petition is approved there will be a public hearing and there will be time for public input from anyone who wants it. This is strictly a hearing of statutory nature for this body to declare whether the petitioner for Geist East and West meets the statutory requirements under IC 36-5.1, 2, 3 and 4. The petitioner will be allowed to present their case and we will allow a representative from Fishers, if they wish to, to make a few brief comments. Dillinger asked County Attorney Mike Howard for comments. Howard stated as President Dillinger said the purpose of this meeting today, it is not even a hearing, is to determine whether the petitioners, which is the two Geist towns, Geist East and Geist West; have met the requirements of statute. This statute is very procedural in nature. I have set some copies, just to the right of counsel on this table for those that are interested and want to follow along, statute is found at 36-5.1 Section 2 states and there are three different groups of things that must be done; first of all a petition must be filed and that petition must state certain things. I use states certain things to be very definitive because it does not say prove certain things, it doesn't say proves more likely than not, it doesn't even mean, even though it is verified, that it ultimately will be true. It states the number of signatures that must be presented on behalf of a town and that at least 50 owners of real estate must sign the petitions. It also requires certain documents to be attached: 1) a survey, 2) a enumeration a listing of the residences within the proposed town, and again four additional statements - 1) the assessed value, 2) the services to be provided, 3) the estimated costs of services and 4) the name to be given the town(s). Again, this is what the petition must state. We are here today for the commissioners to hear any comments on the petitions that have been filed. The petitions were filed pursuant to statute, last Friday morning, they were filed in quadruplet. There was a survey for one of the towns that was amended this morning but all of those documents have been reviewed by the Auditor's office and by my associate Mr. Murphy to determine whether or not the statutory statements and the statutory documents are to be attached. The statute, when a governmental entity is required to do something by statute the General Assembly has three words that they use, they use "shall", "may", and "must not". In this case the statute is very clear, that if the petition is presented and has all of allegations, has the requisite number of certified property owners and has the required exhibits the petitioners shall move forward. It does not give them discretion; it does not give them the right to determine collateral issues such as whether or not another municipality has acted on the issues. As to whether or not there has been promises made between the parties that would preclude people coming forward. Those are not issues which the county commissioners have the authority by statute to decide and they will not be deciding those issues today. Therefore as to your comments, as President Dillinger said, we do several million of dollars of business every other Monday, we would ask that even this is a matter of great public importance that any comments be addressed to those issues which are relevant today. If this matter proceeds further without intervention or court order there will be public hearings and every person in the area is statutorily entitled to comment at the public hearing, not as long as they want to but they are entitled to participate and that public hearing must be set within between 60-90 days from today. That is the procedure in which we are going to follow today unless there are any questions from the commissioners we are ready to proceed.

Ms. Rachel Quade, stated she is from the unincorporated area of Fall Creek Township, first of all I want to say thank you to all of you today for letting us come before you. Quade stated she is here on behalf of the petitioners for the Towns of East and West Geist to ask the commissioners to accept our petitions for incorporation for the both the towns of East Geist and West Geist. Most of our questions she will have directed to their attorney, Alan Yakey. Quade informed the commissioners that Chief Blackwell of the Castleton Fire Department is also in attendance if there are any questions. Mr. Yakey stated they appreciate the county commissioners consideration of this matter, Mr. Howard has made this very clear as to what we are here for and what we are here to do and not here to do and that makes his job very simple. On Friday they filed two petitions, his understanding of the law is that you are to make a determination as to whether those two petitions fulfill the requirements of statute, if you make that determination then you are to set a public hearing within 60 to 90 days of the date of filing. My request is simple, please make that determination and we have fulfilled the requirements of the statute and set our public hearing and we will then proceed forward. Dillinger asked Howard if he wants to address the facts that have been submitted. Howard stated as he said in his initial comments, we have reviewed the petition, we have reviewed the allegations in the petition, we have reviewed the survey with the assistance of the Auditor's Office and Transfer and Mapping Office, I don't know how you would have done this in two days with old technology, they have certified the signatures, they have also compared the lists to the

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persons in the area and it after our review we believe that we can recommend to you a finding that the petition meets all statutory requirements. In addition, counsel, if you do make that finding you need to have a motion that the record show the petitions filed, the Auditor will file stamp them and the petition will be referred to the Plan Commission having jurisdiction over this real estate which is the Fishers Plan Commission and we will ask that they have their review and recommendation back within 60 days as to meet the statutory timeline for public hearing. Altman asked Howard to clarify that advice pertains to both East and West petitions? Howard stated yes, my comments on the sufficiency of the petition applies both to Geist East and Geist West. They are amazing similar, counsel. Dillinger stated we have said we are not going to debate this, is there someone representing Fishers Town Council that would like to speak? Dillinger called on Mr. Levine.

Mr. Art Levine, 11536 Glen Ridge Circle, Fishers; stated he is representing the Town of Fishers. Levine stated he appreciated Mr. Howard's comments and he will make his comments brief and try to keep them to the point. Levine stated he thinks they are familiar with the history of the annexation process. Most recently, Monday, September 17 the Town of Fishers had a first reading on annexation, introducing the ordinances for the annexation and with the action that was subsequently taken to incorporate East and West Geist, not only creates a number of logistical issues but our position would be a legal issue as well. Our attorneys advise us that you must not accept the petitions because you do not have jurisdiction. I believe you were provided with a copy of a letter of a particular appeals case, as you know I am not an attorney, but he will quote from this particular case in the appeals court "when there exists two tribunals possessing concurrent and complete jurisdiction of a subject matter the jurisdiction becomes exclusive of the one before which proceedings are first instituted and which thus acquires jurisdiction of the subject." It seems very clear to us and the advice given to us, that with the introduction of the ordinances on September 17 that would be three days or four days prior to the petition for incorporation of East and West Geist that you can not accept those petitions because of the preemption. Hopefully this is on topic, but it also by definition by accepting these petitions creates interference with annexation, voluntary annexation that is already underway with what I believe to be a couple of different areas that are in the petitions of incorporation of East and West Geist. Levine stated he has Jim Neal, Attorney for Forest Knoll, with him today; to the best of their knowledge they were included in the petition and he asked if that changed with the new maps, which they have not had a chance to see. Ms. Quade stated she is not positive so she did not want to say one way or another. Levine stated we have already undergone significant discussions and entered into pre-annexation agreements with a number of areas that are already included in their petition. By accepting these petitions it does interfere with the voluntary annexation process and the offers it would put forward by the Town of Fishers. A subsequent delay could create an undo burden not only for the Town but for the residents who in good will entered into a voluntary annexation, who are anxious to get off of sewer and receive city water through the deals put forth by the Town of Fishers. This would create unnecessary delay and because of the fact that we introduced our ordinances on September 17 we do not believe you should be able to accept these petitions. Dillinger thanked Mr. Levine and asked fellow Commissioners if there were any questions. Holt stated he does not think so. Dillinger asked Howard to address the comments.

Howard stated at the end of the day, Mr. Levine, he believes case law may very well support your petition, unfortunately one of the steps that this Board was not given in the statute was an opportunity to determine whether or not there was an annexation ongoing, voluntary, involuntary, etc. We believe that is an issue, just like promissory estoppels, some negotiations have gone on, etc. that is for another forum for another day and is not within the powers granted to this board. Howard stated he is not disputing and if he was researching the law he might come to your conclusion, it is a question of whether or not this Board has the authority under the statute to make that decision. Dillinger asked Howard if they need a motion? Howard asked if they want to hear any more comments? Dillinger stated he is finished unless Geist has more comments. [2:29:50] Altman motioned to find the petitions meeting the statutory criteria and request it be marked as filed and forwarded to the Fishers Plan Commission which has jurisdiction over this matter. Holt seconded. Motion carried unanimously.

Dillinger called a recess.

Dillinger called the meeting back to order. [2:41:39]

e-Map International Agreement

Ms. B.J. Casali requested approval of the Professional Services Agreement with eMap International for quality control of the aerial photos. Holt motioned to approve. Altman seconded. Motion carried unanimously.

IP Phone System

Casali reminded the Commissioners that the new IP Phone System will be installed this weekend. Effective Monday, October 1 to dial an outside line you would dial only one "9". To get inter-office extensions you would dial the last five digits of the phone number, this includes the Sheriff's office. After this phase is complete they will be working on getting Emergency Management Agency, Household Hazardous Waste and the highway department all connected with this system, hopefully by the end of the year.

Attorney

Liability Trust Claims

Howard stated he has checked with Darren Murphy regarding the case discussed in Executive Session; our vendor has been put on notice and we are asking them to indemnify and to defend this case under our contractual issue. They have not yet accepted that, consequently our attorney appointed by the insurance carrier has been very involved as well as Darren. Presently there is a Change of Venue filed by our contractor. Services have been performed and payment is recommended. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Howard requested approval of a Liability Trust claim payable to FTI Consulting, Inc. in the amount of \$5,150.00. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Administrative Assistant [2:47:16]

Community Corrections Advisory Board

Swift stated Joyce Rands has resigned from the Community Corrections Advisory Board. She held the Mental Health seat. Dr. Jeff Davis has been recommended to fulfill her appointment. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Human Resources File Cabinets

Swift stated Human Resources are in need of locked file cabinets. Sheena Randall has received a quote for five, six-drawer lateral files with double locks of \$4,387 from Hoosier Filing Group. They will also form a room divider where the north shelf of law books is now located. Holt motioned to approve. Altman seconded. Motion carried unanimously.

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Treasurer's Extended Office Hours

Swift stated the county Treasurer has requested permission to extended office hours in advance of the November tax deadline. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Retreat

Swift asked if the Commissioners would like to establish a retreat with the County Council in October? Dillinger stated they will discuss it with the Council during the joint Executive Session on October 8.

Sheriff

Sale of In-Car Video Equipment

Sheriff Carter stated Tipton has purchased three (3) used in-car video systems from the Sheriff's Department in the amount of \$12,000. Carter requested approval of the Resolution declaring surplus property and transferring ownership to the City of Tipton. Carter stated prior to Ryan Horine's position we would have probably \$1,200 - \$1,500 per unit; that position is very worthwhile. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Sheriff's Youth Forum

Dillinger reminded the Commissioners that the Sheriff has a Youth Forum this evening at 7:00 p.m. at the 4-H Fairgrounds.

Auditor [2:53:41]

2008 Commissioner Meeting Schedule

Ms. Robin Mills requested approval of the 2008 Commissioners meeting schedule. Holt motioned to hold the meeting on December 22, 2008 at 10:00 a.m., with Drainage Board at 9:00 a.m. and Solid Waste Board is cancelled that day. The Christmas training session will be on December 22, 2008 at 12:00 noon. Altman seconded. Motion carried unanimously.

2007 Christmas Training Session

The 2007 Christmas training session will be held Thursday, December 20 at noon.

Treasurer's Monthly Report

Mills requested approval of the County Treasurer's Monthly Report dated August 31, 2007. Altman seconded. Motion carried unanimously.

Clerk's Monthly Report

Mills requested approval of the Monthly Report of the Clerk of the Circuit Court dated August 2007. Altman motioned to approve. Holt seconded. Motion carried unanimously.

Acceptance of Bonds/Letters of Credit – Drainage Board

Mills requested acceptance of Bonds and Letters of Credit for the drainage board. 1) HCDB-2007-00023 – Harris Irrevocable Standby Letter of Credit No. HACH179020OS for Village on the Monon storm sewers in the amount of \$106,856.10. 2) HCDB-2007-00024 – Harris Irrevocable Standby Letter of Credit No. HACH179033OS for Village on the Monon monuments and markers in the amount of \$1,500. 3) HCDB-2007-00038 – Bond Safeguard Insurance Company Subdivision Improvements Performance Bond No. 5008188 for Springs of Cambridge Section 10 storm sewer/erosion control in the amount of \$325,200. 4) HCDB-2007-00039 – Bond Safeguard Insurance Company Subdivision Improvements Performance Bond No. 5008189 for Springs of Cambridge Section 10 monuments & markers in the amount of \$2,880. 5) HCDB-2007-00056 – Bond Safeguard Insurance Company Subdivision Bond No. 5029296 for Maples at Spring Mill 2 storm sewer in the amount of \$19,200. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Release of Bonds/Letters of Credit – Drainage Board

Mills requested the release of Bonds and Letters of Credit for the drainage board. 1) HCDB-2007-00018 – Western Surety Company Performance Bond No. 100 – Vegetation Control on Regulated Drains - \$20,052.21. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Liability Trust Claim

Mills requested approval of a Liability Trust Claim for Buckland & Associates in the amount of \$4,990. Altman motioned to approve. Holt seconded. Motion carried unanimously.

Payroll Claims

Mills requested approval of Payroll Claims for the period of August 27 to September 9, 2007 paid September 21, 2007. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Vendor Claims

Mills requested approval of Vendor Claims to be paid September 25, 2007. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Bid Award – Sheriff's Vehicles

Sheriff Carter recommended the bid for the purchase of the 2008 Sheriff's vehicles be awarded to Don Hinds Ford, Fishers. Holt motioned to approve. Altman seconded. Altman stated the bids on the Chevrolet's were less but you have made a determination that the re-sale will hold up better on the Fords? Carter stated the Chevrolet Impala's are not less when the additional accessories are added. Motion carried unanimously.

Speed Timing Devices

Carter stated Ryan Horine has investigated speed timing devices, as requested by the Commissioners. Carter stated there are permanently affixed devices that the highway department has looked at and Carter's biggest concern is how we are going to protect them, they are expensive. Horine stated we have a speed timing device that is pulled behind a car, it can be located anywhere and it is 10 years old. It does not do any type of tracking. Dillinger stated the intent is give people who are requesting speed humps an alternative to speed humps. Horine stated they receive complaints from neighborhoods and they will put the speed trailer out and a couple of cars for enforcement and they get the same results. It is generally not as big of a problem that people state that it is. Horine stated their solution is that they make devices that do perform tracking, they can tell the highest speed, lowest speed, and times of the heaviest traffic and it is all contained in a single unit. The Sheriff's Department is already doing this. We could upgrade our unit and it would meet our needs and answer some of the concerns of the constituents. The quotes received are from Decatur Electronics for \$19,990 and MPH Industries for \$20,610. These units provide tracking which can provide data for the Commissioners. Altman asked if there is anything that takes a picture of the license plate or the car? Horine stated there are all kinds of tracking devices, these units can be pulled behind a police car, we can use it for more than one thing. We can use it at an emergency scene, at the 4-H Fairgrounds, etc. Altman asked if there is another unit we should consider that if they still violate we go to the next level where we issue tickets? Carter stated the next level is a human being in a marked car, if we identify the problem by tracking this data. Dillinger asked what would you do with

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the old unit? Horine stated we would still use it. The batteries only last 4-6 hours. Dillinger stated he is not opposed to the new unit but if we have two units we need to have them out, we need to be using them. Dillinger stated he thinks it does slow down traffic. Carter stated it seems it would be a logical connection to tie this in to the highway department, particularly if we collect data. Davis stated their counters collect data. Holt asked if their counter will take a screen? Davis stated the counter will not take a screen but they have two message boards that do what Carter is talking about. The problem is they are slow and by the time the speed is on the screen they are already gone by. Neal stated two of the message boards have radar for the specific purpose of being able to collect data. After we had them for a year we realized the person going high over the speed limit, the message would not change fast enough to give them feedback. Horine stated there are brand new signs out that are instant. Dillinger stated he thinks they are a good idea. Altman likes that they are mobile rather than stationary. Altman asked if anyone has money in their budget? Dillinger stated they will look at budgets and get back with the Sheriff.

Noise Complaints

Altman stated they have received several complaints from a homeowner in western Clay Township with a bar at 106th and Michigan, that the noise is exceeding the noise ordinance. Altman asked if there is any type of noise ordinance that the Sheriff can enforce in those situations? Carter stated no, he is going to look at the current ordinance to try to tweak it. Carter stated he has made contact with the owners and is trying to get compliance through communication with the owners. Altman stated it would be nice to have a decibel level on commercial organizations that can be enforced. Carter stated the current ordinance has a level at the property line and a time frame. Dillinger stated he and Dan Stevens have investigated the noise at Verizon extensively and the noise meter would not go off for a concert but the moo from a cow made it go off; he does not know how it could be enforced. Holt stated that ordinance has hours of operation; that may be part of that. Carter stated they have received compliance by making personal contact.

Liability Trust Claim

Howard requested approval of a Liability Trust Claim payable to Michael Howard in the amount of \$10,436 . Holt motioned to approve. Altman seconded. Motion carried unanimously.

Juvenile Services Center

Release of Retainage

Captain Stevens requested release of Retainage for James Babcock, Inc. and Construction Systems, Inc. for work done on the Juvenile Services Center. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Community Corrections Complex Phase I

Howard requested approval of a contract with C & T Design and Equipment for Phase I of the Community Corrections Complex project. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Holt motioned to adjourn. Altman seconded. Motion carried unanimously.

Commissioner Correspondence

A.B.A.T.E. of Indiana Requesting Road Repairs

169th Street and Mill Creek Road

171st Street and Mill Creek Road

US 31 Corridor Notice of Survey

DNR Notice of “No Historic Properties Affected” – CDBG Grant

Beam, Longest and Neff, LLC Notice of Transmittal

Bridge #224, Allisonville Road over Stoney Creek

INDOT Annual List of Local Projects

IDEM Notice of Construction Permit Application

Parkside, Phase II – Fishers

Village Green, Section Two – Carmel

Certificate of Insurance

Netech Corporation

HAMILTON COUNTY BOARD OF COMMISSIONERS
SEPTEMBER 24, 2007

Present
Christine Altman, Commissioner
Steven C. Dillinger, Commissioner
Steven A. Holt, Commissioner
Robin M. Mills, Auditor
Fred Swift, Administrative Assistant to Commissioners
Kim Rauch, Administrative Assistant to Auditor
Michael Howard, Attorney
Darren Murphy, Attorney
Doug Carter, Sheriff
Brad Davis, Highway Director
Jim Neal, County Highway Engineer
Joel Thurman, Highway Project Engineer
Amber Emery, Highway Public Service Representative
Dave Lucas, Highway Staff Engineer
Tim Knapp, Highway Right-of-Way Manager
Matt Knight, Highway Bridge Program Engineer
Kathy Howard, Highway Department Administrative Manager
Bob Davis, Highway Superintendent
Floyd Burroughs, FEBA
Becki Wise-Kent, USI
Patti Smith, BLN
Ted Moran, Geist
David Whiteman
John Barbee, Envoy, Inc.
Tania Lopez, Indianapolis Star
Eric Douthit, CCH
Bryan Babb, Bose McKinney & Evans
Jennifer Williams, CCHA
Nick Kile, Barnes & Thornburg, LLP
William Fouts, Noblesville Daily Times
Terry Michael, Fall Creek Township Trustee
Bill Morris, GUO Rep
Roy M. Johnson, Fall Creek
Russell L. Miller, Geist Incorporation
Denise L. Miller, Geist Incorporation
Jean A. Richards, Geist Incorporation
Larry Pearson
Jim Williams, Interested
David Wyser, Geist Incorporation
James A. Good, Geist
Gordon Byers, Geist
Jerry Rosenberger, Geist
John Schutte, Geist
Doug Kyle, Geist
Art Levine, Town of Fishers

APPROVED
HAMILTON COUNTY BOARD OF COMMISSIONERS

ATTEST

Robin M. Mills, Auditor